

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17473 of 2015

M/s Harmain Leather Exports

Footwear Division

279/2, Kandrampalli Road

Thuthipet

Ambur 635 802

Vellore District, Tamil Nadu represented

by its Authorised Signatory B.Nazeer Ahmed

.. Petitioner

-vs-

1. The Commissioner of Customs (Airport
and Air Cargo Complex)

New Custom House

Meenambakkam

Chennai 600 027

2. The Assistant Commissioner of Customs (Drawback)

Office of the Commissioner of Customs

Airport and Air Cargo Complex

Meenambakkam

Chennai 600 027

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records in and connected with Order-in-Original No.553/2014 dated 04.09.2014, in F.No.S.Misc.131/2014-DBK (BRC)-AIR on the file of the second respondent and quash the same being null and void.

For Petitioner :: Mr.B.Satish Sundar

For Respondents :: No appearance

ORDER

This writ petition has been filed by the petitioner challenging the impugned order-in-original No.553/2014 dated 4.9.2014, on the ground that the second respondent has passed the order without properly serving notice to the address of the petitioner at No.279/2, Kandrampalli Road, Thuthipet, Ambur 635 802. He has further submitted that when there is no compliance of the principles of natural justice, the impugned order is liable to be interfered with.

2. But this Court is not inclined to entertain the writ petition, as the impugned order is appealable before the Commissioner of Customs (Appeals) within sixty days from the date of receipt of the order impugned. However, the petitioner has come to this Court and wasted his time. Hence, the petitioner is directed to file an appeal before the appellate authority and the appellate authority shall entertain the appeal and dispose of the same on its own merits and in accordance with law. With this direction, the writ petition is dismissed. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Commissioner of Customs (Airport
and Air Cargo Complex)
New Custom House
Meenambakkam
Chennai 600 027

2. The Assistant Commissioner of Customs (Drawback)
Office of the Commissioner of Customs
Airport and Air Cargo Complex
Meenambakkam
Chennai 600 027

1 cc to Mr.B.Satish Sundar , Advocate Sr.No.31125/15

W.P.No.17473 of 2015

br(co)

pmk.15.7.2015

सत्यमेव जयते

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